IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

WP(C).No. 27123 of 2006(D)

PETITIONER:

M.T.ABDUL NAZAR, PWD CONTRACTOR,
BEVINJA, THEKKIL FERRY, CHENGALA, KASARAGOD.

BY ADV. SRI.AUGUSTINE JOSEPH
SRI.K.S.ROCKEY

RESPONDENTS:

OTTAPALAM MUNICIPALITY,
OTTAPALAM, PALAKKAD,
REPRESENTED BY ITS SECRETARY.

BY ADV. SRI.K.K.CHANDRAN PILLAI
SRI.R.V.SATHYAPRIYAN NAIR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C.KURIAKOSE, J.

W.P.(C)NO. 27123 of 2006

Dated this 21st day of December, 2006

JUDGMENT

Even though the learned counsel on both sides have addressed me very elaborately on the basis of the pleadings which have been raised by their respective clients and my attention was drawn to the various materials placed on record, this court will not be justified in entertaining this writ petition any further for two reasons. First of all, in matters of contract jurisdiction of this court under Article 226 of the Constitution is narrow. Secondly, facts are seriously disputed.

2. It is seen that impugned order (Ext.P5) is an appealable order. Hence, I relegate the petitioner to remedies by way of an appeal against Ext.P5. If the Tribunal for the Local Self Government Institutions receives an appeal against Ext.P5 within three weeks of the petitioner receiving a copy of this judgment, the Tribunal will entertain that appeal and dispose of the same in accordance with law as if the same is filed on time.

However, there will be an order restraining the Municipality from initiating revenue recovery proceedings or any other coercive action against the petitioner on the strength of Ext.P5 for a period of two months from today.

The writ petition is disposed of as above.

PIUS C.KURIAKOSE
Judge

dpk